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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

MONTAE JAFUS COLLINS,

Defendant and Appellant.

B284267

(Los Angeles County  
Super. Ct. No. YA095718)

APPEAL from a judgment of the Superior Court of Los Angeles County, James R. Brandlin, Judge. Affirmed.

Catherine White, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant and appellant Montae Jafus Collins appeals from a judgment entered following a jury trial in which he was convicted of three counts of second degree robbery in violation of Penal Code section 212.5, subdivision (c).

Conforming to *People v. Wende* (1979) 25 Cal.3d 436, Collins's counsel filed an opening brief containing a statement of facts but raising no issues. Counsel asks this court independently to review the record and to determine whether any arguable issues exist on appeal. On October 15, 2018, we granted an order augmenting the record on appeal to include the attached exhibits: the transcript of the "February 19, 2016, 911 call" received into evidence on May 24, 2017, and the attachments to defense counsel's "Sentencing Memorandum" filed on July 27, 2017. We have reviewed the entire record and find no arguable issues exist. Collins has filed nothing personally. We affirm.

## I

On May 18, 2017, Collins was charged by amended information with nine counts of second degree robbery (Pen. Code, § 212.5, subd. (c); counts 1-4, 6-9, & 11) and one count of attempted second degree robbery (Pen. Code, §§ 664, 211; count 5). The amended information specially alleged Collins was armed with a firearm in violation of Penal Code section 12022, subdivision (a)(1) as to counts 3, 4, 5, 8, and 11. Collins pleaded not guilty to all counts and denied the special allegations.

### *The February 9, 2016 Robbery of Amro A. (Count 9)*

On February 9, 2016, around 2:00 p.m., Amro A. was walking from school near 152<sup>nd</sup> Street and Firmona Avenue, in the City of Lawndale, when two men in a blue Chevy Impala approached him. The driver and passenger asked, "Where you

from?” Amro understood this to be gang terminology. Amro said, “Nowhere . . . I don’t gang bang.” The car drove away.

The blue car drove by a second time and the passenger asked, “Why you wearing all that red if you’re not a blood?” The distance between Amro and the passenger was less than two feet. Amro was scared and tried to walk away, but the passenger said, “Don’t run. Let me see what’s in your pockets.” Amro had a white iPhone 5C in his pocket. The passenger demanded he hand over the phone, but Amro refused. The passenger told him, “Give it to me, or I’m going to blow your . . .” The driver said, “Basically what he’s saying is if you don’t give him the phone, I’m going to shoot your kneecaps.” Then the passenger opened the car door and said, “No, give it to me. I’m about to get out the car.” Amro gave the passenger his cell phone. The passenger demanded the passcode and iCloud password. Amro gave him the passcode but couldn’t remember the iCloud password.

*The February 19, 2016 Robbery of Andy M. (Count 8)*

On February 19, 2016, around 3:20 p.m., 15-year-old Andy M. was walking home from school near 149<sup>th</sup> Street and Condon Avenue, in the City of Lawndale. He saw a parked blue Chevy Impala with damage to the front bumper. The passenger asked Andy what time it was, and then demanded he hand over his cell phone, a Samsung Galaxy S6 Edge Plus. Andy refused and the passenger displayed a black handgun sitting on his lap. Andy worried if he didn’t give the passenger his phone, “He would shoot me.” The passenger demanded the password to the phone, which Andy gave him. Then driver got out of the car and walked towards Andy with “his hand balled up into a fist.” The passenger told the driver to leave Andy alone and to “get back in the car.” As the car drove away, Andy wrote down four numbers

and a letter as part of the license plate. Andy called 911 from a neighbor's phone and reported that he was robbed by two men in a blue Chevy Impala. He likewise reported the partial license plate number.

*The February 22, 2016 Robbery of Ricardo Z. (Count 6)*

On February 22, 2016, at approximately 9:45 a.m., 15-year-old Ricardo Z. was walking to school when two guys in a blue Chevy Impala approached him. The passenger got out of the car and demanded to see Ricardo's cell phone. When Ricardo asked him why, the passenger said "because his little sister had gotten hers stolen so he wanted [to] check if [he] had it." Ricardo did not want to hand over his phone but the passenger warned, "Just give it to me, and this will all go a lot smoother." As the passenger was looking through Ricardo's phone, the driver got out of the car and said to the passenger, "You've been with him a cool minute." As the driver and passenger walked back to their car, Ricardo asked eight times for his cell phone. The passenger warned, "You better stop asking for it or else I'm going to have my friend here shoot you in the nose." The driver showed Ricardo a tattoo of his mother's name located on his right forearm and said, "On my mother's name." Defendant had his mother's name "Kisha" tattooed on his arm. The passenger told the driver to "go start up the car." When Ricardo heard the car engine turn on, he stepped in front of the passenger's car door and asked for his phone again. The passenger warned him to move out of the way but Ricardo refused, and the passenger pushed him twice in the chest. Ricardo saw three cars nearby and yelled, "Help, they're trying to rob me." The passenger threw Ricardo's phone on the ground and said, "Look, it's right there."

*The Investigation and Events Following the Robberies*

On February 22, 2016, around 9:51 a.m., Hawthorne police detective Jerry Allison and Officer Shimaoka responded to a dispatch call about an assault or robbery that had just occurred. Within minutes, officers stopped a blue Chevy Impala traveling southbound on 132<sup>nd</sup> Street that it matched the broadcast description. Collins was the driver and Omar Ray was the passenger. Police released the two because they could not find the victim for a field showup.

On February 23, 2016, detective Fred Jimenez responded to a dispatch call about a blue Impala that was pulled over. Collins was the driver and Omar Ray was the passenger. DMV records showed a license plate number that included the reported partial plate. This plate was registered to Kisha Kenya Nelson, Collins's mother.

Police arrested Collins on February 23, 2016. In a search of defendant's vehicle, police recovered "five phones, an ATM card, and miscellaneous necklaces, a watch, and clothing." One of the clothing articles recovered was a California State University Northridge sweatshirt belonging to Collins. Amro identified one of the five cell phones recovered as his. Detective Jimenez showed photographs called "six-packs" to Amro, Andy, and Ricardo. The victims identified Collins as the driver and Omar Ray as the passenger.

On June 1, 2017, a jury convicted Collins of three counts of second degree robbery in violation of Penal Code section 212.5, subdivision (c) (counts 6, 8, & 9) with the special allegation found true (count 8) in violation of Penal Code section 12022, subdivision (a)(1). The trial court dismissed the remaining

counts and struck the remaining enhancements after the jury failed to reach a verdict on those counts.

On July 27, 2017, the trial court sentenced Collins to a state prison term of five years. The trial court selected the lower term of two years for second degree robbery, plus one year for the enhancement pursuant to section 12022, subdivision (a)(1) (count 8). The court imposed consecutive one-year state prison term (one-third the mid-term of three years) on each of the remaining two counts of second degree robbery (counts 6 & 9), awarded 599 days of custody credits (521 actual days, plus 78 days conduct credit), and imposed various fees.

Defendant filed a timely notice of appeal.

## II

We appointed appellate counsel to represent Collins. Appellate counsel filed a *Wende* brief that raised no issues. Counsel declared she reviewed the record. She wrote Collins explaining her evaluation of the record. Counsel further declared she advised Collins of his right, under *Wende*, to submit a supplemental brief within 30 days.

On October 10, 2018, we also wrote Collins, advising him of his right to file a supplemental brief. Collins filed nothing. On October 15, 2018, we granted a motion to augment the record.

We have examined the entire record of the proceedings consisting of three volumes of the clerk's transcript and seven volumes of the reporter's transcript and are satisfied that appointed counsel fully complied with her responsibilities in assessing whether any colorable appellate issues exist. There are no arguable appellate issues. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

**DISPOSITION**

The judgment is affirmed.

WILEY, J.

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.